

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

MICHAEL R. SIMPSON, et. al.,

Plaintiff(s),

vs.

MEYER R. TOOL, INC., et. al.,

Defendant(s).

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Case Number: 1:04cv704

Chief Judge Susan J. Lott

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Timothy S. Black filed on February 19, 2009 (Doc. 58), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired March 10, 2009, hereby ADOPTS said Report and Recommendation.

Accordingly, in light of the findings, Meyer Tool's decision - to deny Mr. Simpson's claim for benefits - was neither arbitrary nor capricious. *See Yeager*, 88 F.3d at 381-82.

It is hereby **ORDERED** that Anthem's motion to reverse the administrative decision (Doc. 54) is **DENIED**; Meyer Tool's motion to affirm the administrative record (Doc. 55) is **GRANTED**; judgment is **ENTERED IN FAVOR OF MEYER TOOL**, and this case is hereby **TERMINATED** upon the docket of this Court.

IT IS SO ORDERED.

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s/Susan J. Dlott  
Chief Judge Susan J. Lott  
United States District Court